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|                         |             |                      | ABEL JALIL, NEVEEN  |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/075,065

Applicant(s)

MOSER ET AL.

Examiner

Neveen Abel-Jalil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Remarks**

1. In response to Applicant's Amendment filed on February 27, 2007, claims 1-20 are still pending in the application.
2. Applicant's amendment has overcome the previous rejections under 112, second and claim objections.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities:

In claim 1, the recitation of "*for storing*" constitutes intended use, never actually takes place, therefore renders any recitation claimed after not be given patentable weight. Claims should be amended to recite more direct and positive language such as "to", "which", "that". Appropriate correction is required.

Claim 1, the very last sentence recite "input into the data entry or generated by the data entry system" is not proper since the operator "or" implies one or the other is actually stored in the database which means the "input" is not actually being entered into the fields. The operator connecting those two recitation should be an "AND".

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12's preamble calls for "determining a disposition" without setting any steps in the body of the claim related to the "determination". There appears to be no nexus between the intended use of the preamble and the body of the claim. Correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-5, 8-12, 14, 16-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs (U.S. Patent No. 5,836,529) in view of Abel-Malek et al. (U.S. Pub. No. 2005/0171661 A1).

As to claim 1, Gibbs discloses a method for inspecting rail equipment and storing information relating to the inspection comprising:

providing rail equipment having a plurality of parts (See Gibbs column 3, lines 4-30);

inspecting the rail equipment to determine a damage condition of each of the parts of the rail equipment (See Gibbs column 16, lines 5-67, also see Gibbs column 4, lines 1-37);

providing a data entry system comprising a plurality of fields (See Gibbs column 15, lines 15-58, also see Gibbs column 16, lines 47-54, wherein “damage condition” reads on “mechanical failure”);

generating at least one report showing an overall damage condition of the rail equipment that is calculated from the information input into the data entry system (See Gibbs column 18, lines 1-67, also see Gibbs column 21, lines 1-41, and see Gibbs column 9, lines 31-56); and

providing a database interconnected with the data entry system for storing information input into the data entry system or generated by the data entry system (See Gibbs column 10, lines 26-36, and see Gibbs column 7, lines 18-47, and see Gibbs column 8, lines 42-66).

Gibbs shows:

monitoring and storing performance and status of railway equipment (See figure 9C, also see column 22, lines 1-30);

reporting capability on selected conditions related to rail equipment or entire train (See figure 9C, also see column 22, lines 1-30);

tracking and reporting (computerized train control map) of rail equipment conditions (whether locomotive is dead or isolated, and mechanical failure codes);

Gibbs does not expressly show

querying a user of the data entry system for information relating to the damage condition of each off the parts of the rail equipment;

entering the damage condition of each of the parts of the rail equipment in to each of the plurality of fields;

providing a plurality of dispositions, wherein at least one of the dispositions comprises repairing the rail equipment using a mobile repair system for the rail equipment and automatically assigning via the data entry system, one of the dispositions to the rail equipment. However, Gibbs's reference as a whole teaches a computer aided dispatch system column 4, lines 42-45 in accordance with problem flag column 11, line 4, a tag status, an activity and an owner (i.e. dispatch unit crew) column 11, lines 31-33 under the command of the dispatcher column 7, lines 10-12, as well as data entry system in column 2, lines 38-67.

Abdel-Malek et al. teaches querying a user of the data entry system for information relating to the damage condition of each off the parts of the rail equipment (See Abel-Malek et al. page 4, paragraph 0036, and see Abel-Malek et al. page 7, paragraph 0055, and see Abel-Malek et al. page 17, 0133);

entering the damage condition of each of the parts of the rail equipment in to each of the plurality of fields (See Abel-Malek et al. page 4, paragraph 0036, and see Abel-Malek et al. page 7, paragraph 0055, and see Abel-Malek et al. page 17, 0133);

automatically assigning a disposition from a plurality of dispositions, wherein at least one of the dispositions comprises repairing the rail equipment using a mobile repair system (See Abel-Malek et al. page 4, paragraph 0034, and see Abel-Malek et al. page 4, paragraph 0036, and see Abel-Malek et al. page 9, paragraph 0069).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Gibbs with Abdel-Malek et al. to include querying a user of the data entry system for information relating to the damage condition of each off the parts of the rail equipment; entering the damage condition of each of the parts of the rail

equipment in to each of the plurality of fields; automatically assigning a plurality of dispositions, wherein at least one of the dispositions comprises repairing the rail equipment using a mobile repair system for the rail equipment and assigning one of the plurality of dispositions to the rail equipment because it provides for flexibility and minimization of rail equipment downtime (See Abdel-Malek et al. page 1, paragraph 0003) it is obvious that once the condition is determined then a reparation process will be assigned.

Gibbs as modified still does not expressly show based on the overall damage condition of the rail equipment.

However, Gibbs 's reference as a whole teaches the overall damage condition of the rail equipment (i.e. to provide and assign plurality of status conditions, and setting alert status to dispatch a repair unit) having any type of content because Gibbs is directed to railroad transportation monitoring and management system and method by detecting, assigning status, and monitoring a set of real time identification, and display characteristics for the set of transports within the transportation network and generating an output display characterizing relationships between the set of transports based on the information collected in the monitoring step (See Abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the teachings of Gibbs as modified to include the overall damage condition of the rail equipment because it provides a method for faster assistance, and more efficiently repairing of rail equipment (i.e. it is common to look at the over condition and then break it down part by part).

As to claims 3, Gibbs as modified discloses wherein the data entry system stores information relating to a plurality of types of railcars (See Gibbs column 3, lines 4-30).

As to claim 4, Gibbs as modified discloses wherein the railcars are selected from the group consisting of box cars, flat cars, hopper cars, general purpose tank cars, open top hopper and gondola cars, plastic pellet cars, pressure differential cars and pressure tank cars (See Gibbs column 16, lines 13-51).

As to claim 5, Gibbs as modified discloses wherein the report comprises information related to whether the rail equipment must be repaired or whether the rail equipment is useable in its present state (See Gibbs column 10, lines 62-67, and see Gibbs column 11, lines 34, also see Gibbs column 16, lines 35-67, and see Gibbs column 17, lines 1-24).

As to claim 8, Gibbs as modified discloses assigning a damage indicator for each part of the rail equipment (See Gibbs column 2, lines 18-67, wherein “damage indicator” reads on “detection signals”, also see Gibbs column 10, lines 62-67, and see Gibbs column 11, lines 1-5); and

inputting the damage indicator for each part of the rail equipment into the data entry system (See Gibbs column 19, lines 4-59).

As to claim 9, Gibbs as modified discloses adding information into the data entry system relating to the inspector of the rail equipment (See Gibbs column 1, lines 60-67, and see Gibbs



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column 2, lines 1-17).

As to claim 10, Gibbs as modified discloses wherein the information further comprises the identity of the rail equipment (See Gibbs column 3, lines 4-30, also see Gibbs column 10, lines 46-67, and see Gibbs column 11, lines 1-62).

As to claim 11, Gibbs as modified discloses selecting a record of rail equipment from the database (See Gibbs column 2, lines 38-67);

editing information on the record of the rail equipment (See Gibbs column 10, lines 26-36, and see Gibbs column 7, lines 18-47, and see Gibbs column 8, lines 42-66); and saving the information to the database (See Gibbs column 10, lines 26-36).

As to claim 12, Gibbs discloses a data entry system for inputting information related to an inspection of rail equipment wherein the rail equipment comprises a plurality of parts comprising:

means for inputting information relating to the type of rail equipment (See Gibbs column 3, lines 4-30);

means for inputting information relating to an identification of the rail equipment (See Gibbs column 3, lines 4-30, also see Gibbs column 10, lines 46-67, and see Gibbs column 11, lines 1-62);

means for inputting the information relating to the damage condition of each of the parts of the rail equipment (See Gibbs column 4, lines 11-18, also see Gibbs column 22, lines 1-22,

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also see Gibbs column 16, lines 47-54, wherein “damage condition” reads on “mechanical failure”); and

means for calculating an overall damage condition for the rail equipment based on information relating to the damage condition of each of the parts of the rail equipment (See Gibbs column 21, lines 1-41, also see Gibbs column 9, lines 31-56); and

means for generating at least one report related to the information entered about the damage condition of each of the parts of the rail equipment (See Gibbs column 18, lines 1-67, also see Gibbs column 22, lines 23-67, also see Gibbs column 21, lines 1-41, and see Gibbs column 9, lines 31-56).

Gibbs shows:

monitoring and storing performance and status of railway equipment (See figure 9C, also see column 22, lines 1-30);

reporting capability on selected conditions related to rail equipment or entire train (See figure 9C, also see column 22, lines 1-30);

tracking and reporting (computerized train control map) of rail equipment conditions (whether locomotive is dead or isolated, and mechanical failure codes).

Gibbs does not expressly show means for querying a user for information relating to a damage condition of each of the parts of the rail equipment;

means for automatically assigning a disposition from a plurality of dispositions, wherein at least one of the dispositions comprises repairing the rail equipment using a mobile repair system; and

further showing the disposition assigned to the rail equipment based on the damage condition of the rail equipment. However, Gibbs 's reference as a whole teaches a computer aided dispatch system column 4, lines 42-45 in accordance with problem flag column 11, line 4, a tag status, an activity and an owner (i.e. dispatch unit crew) column 11, lines 31-33 under the command of the dispatcher column 7, lines 10-12.

Abdel-Malek et al. teaches means for querying a user for information relating to a damage condition of each of the parts of the rail equipment (See Abel-Malek et al. page 4, paragraph 0036, and see Abel-Malek et al. page 7, paragraph 0055, and see Abel-Malek et al. page 17, 0133);

means for automatically assigning a disposition from a plurality of dispositions, wherein at least one of the dispositions comprises repairing the rail equipment using a mobile repair system (See Abel-Malek et al. page 4, paragraph 0034, and see Abel-Malek et al. page 4, paragraph 0036, and see Abel-Malek et al. page 9, paragraph 0069); and

further showing the disposition assigned to the rail equipment based on the damage condition of the rail equipment (See Abel-Malek et al. page 4, paragraph 0034).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Gibbs with Abdel-Malek et al. to include automatically assigning a plurality of dispositions, wherein at least one of the dispositions comprises repairing the rail equipment using a mobile repair system for the rail equipment and assigning one of the plurality of dispositions to the rail equipment and further showing the disposition assigned to the rail equipment based on the damage condition of the rail equipment because it provides for flexibility and minimization of rail equipment downtime (See Abdel-

Malek et al. page 1, paragraph 0003); it is obvious that once the condition is determined then a repair process will be assigned.

Gibbs as modified still does not expressly show based on the overall damage condition of the rail equipment.

However, Gibbs 's reference as a whole teaches the overall damage condition of the rail equipment (i.e. to provide and assign plurality of status conditions, and setting alert status to dispatch a repair unit) having any type of content because Gibbs is directed to railroad transportation monitoring and management system and method by detecting, assigning status, and monitoring a set of real time identification, and display characteristics for the set of transports within the transportation network and generating an output display characterizing relationships between the set of transports based on the information collected in the monitoring step (See Abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the teachings of Gibbs as modified to include the overall damage condition of the rail equipment because it provides a method for faster assistance, and more efficiently repairing of rail equipment (i.e. it is common to look at the over condition and then break it down part by part).

As to claim 14, Gibbs as modified discloses a database having the information input into the data entry system stored therein (See Gibbs column 6, lines 12-28, also see Gibbs column 8, lines 16-41).

As to claim 16, Gibbs as modified discloses wherein the rail equipment is a railcar (See Gibbs column 7, lines 37-67).

As to claim 17, Gibbs as modified discloses wherein the information relating to the condition of the rail equipment indicates whether the rail equipment is damaged (See Gibbs column 4, lines 11-18, also see Gibbs column 22, lines 1-22).

As to claim 19, Gibbs as modified discloses wherein the reports indicate whether the rail equipment is useable in its present form or whether the rail equipment needs repairs (See Gibbs column 19, lines 4-45).

As to claim 20, Gibbs as modified discloses means for saving the information and reports into a database (See Gibbs column 18, lines 1-67).

8. Claims 2, 6-7, 13, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs (U.S. Patent No. 5,836,529) in view of Abel-Malek et al. (U.S. Pub. No. 2005/0171661 A1), and further in view of Jarrett (U.S. Patent No. 6,345,257 B1).

As to claim 2, Gibbs as modified still does not teach wherein the report comprises information relating to an estimated cost of repair of the rail equipment.

Jarrett teaches wherein the reports comprise information relating to an estimated cost of repair of the rail equipment (See Jarrett column 15, lines 27-67).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have further modified Gibbs as modified to include wherein the reports comprise information relating to an estimated cost of repair of the rail equipment.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Gibbs as modified by the teaching of Jarrett to include wherein the reports comprise information relating to an estimated cost of repair of the rail equipment because showing the cost associated with repair allows for better business management and ultimately cost reduction for the corporation.

As to claim 6, Gibbs as modified still does not teach wherein the report further comprises information related to whether the rail equipment is repairable by a mobile repair unit or whether the rail equipment must be shopped.

Jarrett teaches wherein the reports further comprise information related to whether the rail equipment is repairable by a mobile repair unit or whether the rail equipment must be shopped (See Jarrett column 1, lines 46-67, also see Jarrett abstract).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have further modified Gibbs as modified to include wherein the reports further comprise information related to whether the rail equipment is repairable by a mobile repair unit or whether the rail equipment must be shopped.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Gibbs as modified by the teaching of Jarrett to include wherein the reports further comprise information related to whether the rail equipment is

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repairable by a mobile repair unit or whether the rail equipment must be shopped because it allows for quicker and efficient response time to problem reporting thereby cutting operational business costs.

As to claims 7, and 18, Gibbs as modified still does not teach printing blank forms relating to the rail equipment from the data entry system.

Jarrett teaches printing blank forms relating to the rail equipment from the data entry (See Jarrett column 7, lines 63-67, and see Jarrett column 8, lines 1-13).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have further modified Gibbs as modified to include printing blank forms relating to the rail equipment from the data entry.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Gibbs as modified by the teaching of Jarrett to include printing blank forms relating to the rail equipment from the data entry because it allows for accommodation of user preferences and customization and provides for availability of on the spot trouble data entry means for maintenance/inspection crew.

As to claim 13, Gibbs as modified does not teach wherein the report comprises information relating to an estimated cost of repair for the rail equipment based on the information input relating to the condition of the railcar equipment.

Jarrett teaches wherein the reports comprise information relating to an estimated cost of repair for the railcar equipment based on the information input relating to the condition of the railcar equipment (See Jarrett column 15, lines 27-67, also see Jarrett column 5, lines 15-25).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have further modified Gibbs as modified to include wherein the reports comprise information relating to an estimated cost of repair for the railcar equipment based on the information input relating to the condition of the railcar equipment.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Gibbs as modified by the teaching of Jarrett to include wherein the reports comprise information relating to an estimated cost of repair for the railcar equipment based on the information input relating to the condition of the railcar equipment because showing the cost associated with repair allows for better business management and ultimately cost reduction for the corporation.

As to claim 15, Gibbs as modified still does not teach means for calculating an estimated total repair cost for the rail equipment.

Jarrett teaches means for calculating an estimated total repair cost for the rail equipment (See Jarrett column 15, lines 27-67).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have further modified Gibbs as modified to include means for calculating an estimated total repair cost for the rail equipment.

It would have been obvious to one of ordinary skill in the art at the time the invention



was made to have further modified Gibbs as modified by the teaching of Jarrett to include means for calculating an estimated total repair cost for the rail equipment because showing the cost associated with repair allows for better business management and ultimately cost reduction for the corporation.

***Response to Arguments***

9. Applicant's arguments filed on February 27, 2007 have been fully considered but they are not persuasive.

In response to Applicant's argument that "Gibbs does not teach or disclose the step of inspecting the rail equipment to determine damage condition of each of the parts of the rail equipment" is acknowledged but no deemed to be persuasive.

Applicant's own specification paragraphs 0007, and 0015 describe the inspection of rail equipment to determine a damage condition which is just as it taught by Gibbs. The Applicant argues there is more to claim 1 language in how the inspection is defined which is not possible since it was only recite in one sentence without any definition or details as to what else maybe part of this "inspection" process. After reviewing applicant's specification carefully, the only discussion of what this inspection process does is manually collecting information on condition of rail equipment (Applicant's specification paragraphs 0007, 0014, 0021, 0024, and 0026) still no distinct from Gibbs (i.e. status) nor Abdel-Malek et al..

The claim language makes no indication on how or what is performing this inspection, since it is not clear, then it remains to be interpreted to read on Gibbs invention and generally can

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be supported by any visual (manual) inspection made by members of the locomotive team. Gibbs performance status is visual indicator (i.e. inspection) of operating condition of rail equipment thus no different than the initial inspection step recited in the independent claims. Furthermore, although not cited directly in rejecting this limitation, Abdel-Malek et al. also teaches the step of “inspecting for damage condition” on page 4, paragraph 0036.

In response to Applicant’s argument that “Gibbs does not teach or disclose entering the damage condition of the parts of the rail equipment and the user enters the damage condition of each of the part in the plurality of fields” is acknowledged but not deemed to be persuasive.

The Applicant asserts in the response to office action page 9, that at most “Gibbs discloses providing generalized information relating to mechanical failure codes to a railcar”

Which is in fact entered in Gibbs system, thus not distinct nor different from the argued subject matter since “a code for each railcar” is in fact “condition of each of the parts” (The Applicant’s specification only gives examples of what could constitute some of those parts and not a requirement). Failure codes are indicators of damage condition or general performance status of the equipment. It is well known, that “each part” is read on “rail car” which is a part of the rail equipment. Gibbs also shows that “the code” can be user defined thus it’s a “user entry” made in the system. The Examiner maintains that Gibbs teaches the argued limitation. However, the Examiner addressed differently in the office action above.

In response to Applicant's argument that "Abdel-Malek et al. does not teach or disclose at least one of the dispositions comprises repairing the rail equipment using a mobile repair system" is acknowledged but no deemed to be persuasive.

Abdel-Malek et al. in paragraph clearly teaches the use of portable unit (See figure 5) in the process of repairing rail equipment (See page 6, paragraph 0053, and page 7, 0056, wherein information used for repairing is returned via the portable unit 14)

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Examiner is establishing motivation in obviousness in the knowledge generally available to one of ordinary skill in the art, to modify the invention of Gibbs with the teachings of Abdel-Malek et al. as explained in the office action. It is clear if one damage condition is established then the overall status and then the act of reparation is undertaken just as it explained in the Abdel-Malek et al. reference.

Further more regarding applicant's argument on page 10 that the use of single reference is not permissible under the second 103 rejection made in this office action. The Examiner traverses since the motivation to modify teachings of Gibbs to show overall damage condition is

proper under the law and to those generally skilled in the art. It is clear if one damage condition is established then the overall status is also established and can be displayed. Thus directly showing the overall damage condition (availability of the rail equipment). A single reference can be modified on its on by the teachings of generally known in the art without the need for a secondary reference.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

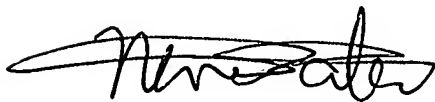
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-Form 892 for list of cited references.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074.

The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Neveen Abel-Jalil  
May 28, 2007